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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,286	07/31/2003	Carl R. Strathmeyer	1020.P16477	5085
57035	7590	05/24/2007		
KACVINSKY LLC C/O INTELLEVATE P.O. BOX 52050 MINNEAPOLIS, MN 55402			EXAMINER WONG, XAVIER S	
			ART UNIT 2609	PAPER NUMBER
			MAIL DATE 05/24/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/632,286	Applicant(s) STRATHMEYER, CARL R.	
	Examiner Xavier S. Wong	Art Unit 2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31st JUL 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31st JUL 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims **23 – 26** are rejected under 35 U.S.C. 101 because the storage medium stored thereon instructions that are executed by a processor is not claimed as a computer-readable medium, which must be executed by a computer, encoded with a data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and therefore, is an abstract idea with no tangible or concrete results are given, and thus, non-statutory.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims **1 – 7, 10 – 17** and **23 – 26** are rejected under 35 U.S.C. 102(b) as being anticipated by **Nishidate (JP 2002-109194 A)**.

Consider claims **1** and **16**, **Nishidate** discloses a web server **22** receiving a first request from a customer dial-up connection (paragraph **0030**); the web server receives call information such as customer ID and information from customer database **23**

through a customer “search input” – retrieval key (paragraph 0031); a response to the first request comes along with a (dynamic) webpage that is delivered to the customer’s browser 100 (paragraphs 0031-32); a Security Policy Server keeps track of call session information such as packet and log information (paragraph 0032); (Figs. 9 & 12).

Consider claims 2, 13 and 17, and as applied to claims 1, 2 and 16, **Nishidate** discloses the web server, in response to the first request, prompts the customer to enter his/her customer ID as a first identifier (Paragraph 0031); and based on the customer ID and input, a web access (second) request is sent to a customer database 23 (paragraph 0031); the database responds (to the second request) with web contents in a browser – as call/caller information interface – with “response window information” including information from a CTI server – that the customer requested (paragraphs 0031-32 & 0040).

Consider claim 3, and as applied to claim 2, **Nishidate** discloses the customer ID (first identifier) is a telephone number/line in the call session (paragraph 0033; fig. 13).

Consider claims 4 and 14, and as applied to claims 1 and 4, **Nishidate** discloses a web server 22 receiving a first request from a customer dial-up connection (paragraph 0030); the web server receives call information such as customer ID and information from customer database 23 through a customer “search input” – retrieval key (paragraph 0031); a response to the first request comes along with a (dynamic) webpage that is delivered to the customer’s browser 100 (paragraphs 0031-32); a Security Policy Server keeps track of call session information such as packet and log information (paragraph 0032). The first identifier is the telephone number/line (paragraph 0033); second identifier is a “call number” yielded by a CTI server to the web server as a

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response to the second (web access) request (paragraph 0033). The second identifier ("call number") yielded by a CTI server to the web server as a response to a second (web access) request (paragraph 0033); then a third request is sent to an IVR server and is relayed to a voice server; once the second identifier (customer number) is verified, (caller) information requested by the customer will be sent to the web browser (paragraphs 0033-36); such information are retrieved/stored in database 23 (paragraph 0040).

Consider claim 5, and as applied to claim 4, **Nishidate** discloses first identifier is the telephone number/line (paragraph 0033); second identifier is a "call number" yielded by a CTI server to the web server as a response to the second (web access) request (paragraph 0033); such information are stored in database 23 (paragraph 0040).

Consider claims 6 and 15, and as applied to claims 1 and 6, **Nishidate** discloses a second identifier ("call number") yielded by a CTI server to the web server as a response to a second (web access) request (paragraph 0033); then a third request is sent to an IVR server and is relayed to a voice server; once the second identifier (customer number) is verified, (caller) information requested by the customer will be sent to the web browser (paragraphs 0033-36); caller information is retrieved from database 23 (paragraph 0040).

Consider claim 7, and as applied to claim 6, **Nishidate** discloses the "call number" that comprises the customer's telephone number or "internet address" (paragraph 0033).

Consider claims 10 – 12, and as applied to claims 1 and 10, **Nishidate** discloses receiving a telephone call and registering/storing call in a database (paragraphs 0011-

13); receiving a web server 22 receiving a first request from a customer dial-up connection (paragraph 0030); the web server receives call information such as customer ID and information from customer database 23 through a customer “search input” – retrieval key (paragraph 0031); a response to the first request comes along with a (dynamic) webpage that is delivered to the customer’s browser 100 (paragraphs 0031-32); a Security Policy Server keeps track of call session information such as packet and log information (paragraph 0032); voice/audible response is achievable (paragraph 0033-34); (Figs. 9 & 12).

Consider claim 23, **Nishidate** discloses a control logic 24 – as a storage in a processor – that connects to a contact center system 22 to facilitate the execution of instructions for connecting a customer (telephone or computer) terminal and client terminal through internal servers and display information on customer’s web browser (paragraphs 0018-20; fig. 5). Information management steps comprises a web server 22 receiving a first request from a customer dial-up connection (paragraph 0030); the web server receives call information such as customer ID and information from customer database 23 through a customer “search input” – retrieval key (paragraph 0031); a response to the first request comes along with a (dynamic) webpage that is delivered to the customer’s browser 100 (paragraphs 0031-32); a Security Policy Server keeps track of call session information such as packet and log information (paragraph 0032); (Figs. 9 & 12).

Consider claims 24 and 26, and as applied to claim 23, are rejected in the same grounds as claim 2.

Consider claim **25**, and as applied to claim **23**, is rejected in the same grounds as claim **4**.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims **8, 19 – 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Nishidate (JP 2002-109194 A)**

Consider claim **8**, and as applied to claim **6**, though **Nishidate** may not explicitly disclose an account number and PIN for the second identifier, it would have been obvious for a person who has ordinary skills in the art at the time of the invention was made to incorporate the teachings of logging on to a server using account number and PIN, such as a logging on to a credit card company web portal to inquire balances, for network security purposes.

Consider claim **19**, **Nishidate** discloses a web server 22 receiving a first request from a customer dial-up connection (paragraph 0030); the web server receives call information such as customer ID and information from customer database 23 through a customer "search input" – retrieval key (paragraph 0031); a response to the first request comes along with a (dynamic) webpage that is delivered to the customer's browser/interface 100 (paragraphs 0031-32); a Security Policy Server keeps track of call session information such as packet and log information (paragraph 0032); (Figs. 9 & 12). Though **Nishidate** may not explicitly mention the retrieving of information through an antenna, it would have been obvious for a person who has ordinary skills in the art at the time of the invention was made to incorporate the teachings of an antenna for retrieving information since the retrieving device may be mobile, which needs an antenna to receive signals. e.g. WiFi or Bluetooth

Consider claim **20**, and as applied to claim **19**, **Nishidate** discloses the IVR and voice servers within the contact center system 22/media server (re)produce web pages with audible response (paragraphs 0035-36); telephone system to establish call session between caller/customer and media server/contact center system (paragraphs 0020 & 0022-24); database that stores call and caller information (paragraph 0043); browser/interface retrieves information from the database and web page is generated (paragraphs 0031 & 0036).

Consider claim **21**, and as applied to claim **20**, **Nishidate** discloses module 22 – Contact Center System – comprises all voice/media server, IVR server and CTI server, etc (paragraph 0015).

Claims **9** and **12** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Nishidate (JP 2002-109194 A)** in view of **Bondarenko et al (U.S Pub 2004/0083479 A1)**.

Consider claim **9**, and as applied to claim **1**, **Nishidate** discloses the claimed invention except the webpage is a script for an IVR system.

In a related field of endeavor, **Bondarenko et al** disclose an XML-markup language for IVR scripting for voice postings on a web site (paragraphs *0137* & *0141*; fig. *12*).

Therefore, it would have been obvious for a person who has ordinary skills in the art at the time of the invention was made to incorporate the teachings of a webpage as a script for IVR system as taught by **Bondarenko et al**, in the method of **Nishidate**, because the XML protocol enables a higher level of abstraction in dealing with languages and vocabularies in specific applications.

Consider claim **22**, **Nishidate** discloses the claimed invention except explicitly mentioning the system comprises one of a Private Branch Exchange (PBX), Centrex system, Automatic Call Distribution (ACD) system, and Voice over Packet (VoP) system.

In a related field of endeavor, **Bondarenko et al** disclose a telephony switch system is an ACD or PBX (paragraph *0116*).

Therefore, it would have been obvious for a person who has ordinary skills in the art at the time of the invention was made to incorporate the teachings of a PBX,

Centrex, ACD or VoP in a telephone system as taught by **Bondarenko et al**, in the system of **Nishidate**, in order to handle both multimedia and connection-oriented switched telephony.

Claim **18** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Nishidate (JP 2002-109194 A)** in view of **Aoki (U.S Pub 2003/0061569 A1)**.

Consider claim **18**, and as applied to claim **16**, **Nishidate** discloses the claimed invention except explicitly mentioning the web page generator comprising a plurality of templates to generate web pages, a selection module to select a template for the web page, and a creation module to build the web page using the template and information.

In a related field of endeavor, **Aoki** disclose a web page creation process that involves requesting a list/plurality of templates, selecting a template, and finally, creating a web page according to input data through telecommunication machines/modules (paragraphs 0030-41; figs. 1 & 5).

Therefore, it would have been obvious for a person who has ordinary skills in the art at the time of the invention was made to incorporate the teachings of a web page generator as taught by **Aoki**, in the apparatus of **Nishidate**, for the purpose of easier facilitate the creation of web pages through either mobile phones or facsimile units.

Conclusion

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
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Hand-delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xavier Wong whose telephone number is (571) 270-1780. The examiner can normally be reached on Monday through Friday 8 am - 5 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

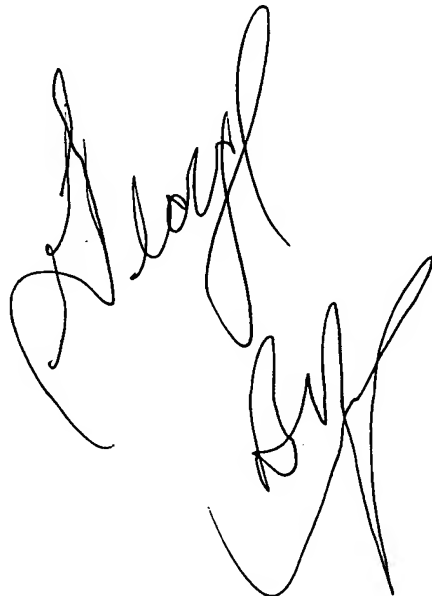
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call (800) 786-9199 (IN USA OR CANADA) or (571) 272-1000.

Xavier Szewai Wong
X.S.W/x.s.w

19th May 2007

A handwritten signature in black ink, appearing to read 'Xavier Szewai Wong', with a stylized, cursive script.